

1 The Boothby patent does not teach or suggest any process for determining
2 synchronization session parameters for a synchronization request as required at element (b) of
3 claim 23, nor does Boothby teach or suggest "selecting a prioritization scheme based on the
4 synchronization session parameters" as required at element (c) of claim 23. For these reasons
5 alone, claim 23 cannot be anticipated or rendered obvious by the Boothby patent. Furthermore,
6 the Boothby patent does not teach or suggest any prioritization of a data set as required by the
7 final element of claim 23. Rather, the Boothby patent merely applies a filter which results in
8 some records in a target data set being flagged as passing the filter and the remainder of the
9 records being flagged as not passing the filter. This flagging of certain records does not represent
10 a prioritized data set, that is, a preferentially ranked or ordered data set, as required by claim 23.
11 Thus, the Boothby patent cannot anticipate or render obvious claim 23 for this reason as well.

12 The corresponding program product and apparatus claims included in the new claims
13 include limitations similar to those set out in claim 23. Thus, these arguments as to claim 23
14 apply with equal force to the remaining independent claims in the case, claims 30 and 37.

15 Because the Boothby patent does not teach or suggest each and every element required in
16 new independent claims 23, 30, and 37, the Applicants believe that these claims are clearly
17 entitled to allowance over the Boothby patent together with their respective dependent claims.

1 CONCLUSION

2 For all of the above reasons, the Applicants respectfully request consideration and
3 allowance of new claims 23 through 42.

4 If the Examiner should feel that any issue remains as to the allowability of these claims,
5 or that a conference might expedite allowance of the claims, the Examiner is asked to telephone
6 the undersigned attorney.

7 Respectfully submitted,

8 The Culbertson Group, P.C.

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25 CERTIFICATE OF FACSIMILE

26 I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark
27 Office, (Fax No. 703-872-9303) on December 1, 2004.

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